

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Clerk Recorder - Elections Division

BOARD AGENDA # A-9f

Urgent

Routine

AGENDA DATE September 1, 2009

CEO Concurs with Recommendation YES  NO

(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Request Appointment in Lieu of Election to the Westport Fire Protection District Board of Directors

STAFF RECOMMENDATIONS:

Whereas not more than one person was nominated for each of the elective offices to be filled at the Consolidated District Election to be held on Tuesday, November 3, 2009, or there were no nominees as of 5:00pm on Wednesday, August 12, 2009, request the Board of Supervisors make appointments in lieu of election as indicated:

Two full term director positions - Two candidates filed:  
Eddie Amador Jr., Martin L. Avila

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-594

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None


1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

**SUBJECT:** Request Appointment in Lieu of Election to the Westport Fire Protection District Board of Directors

**Page 2**

**DISCUSSION:** Pursuant to California Elections Code 10515 (a) (4), "The election official... shall submit a certificate of these facts to the supervising authority..."

**POLICY ISSUE:** Pursuant to Election Code 10515 (a) (4), "The county election official ... shall request that the supervising authority, at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held, appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The supervising authority shall make these appointments. (b) If no person has filed a declaration of candidacy for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for the office."

**STAFFING IMPACT:** There is no staffing impact associated with this item.

**NOTE:**



**OFFICE OF CLERK-RECORDER  
REGISTRAR OF VOTERS**

**LEE LUNDRIGAN**  
County Clerk-Recorder

1021 "I" Street, Suite 101, Modesto, CA 95354  
Telephone: 209-525-5200 Fax 209-525-5210

**CERTIFICATE OF COUNTY CLERK  
REQUEST FOR APPOINTMENT OF OFFICES  
IN LIEU OF ELECTION FOR THE  
WESTPORT FIRE PROTECTION DISTRICT**

I, LEE LUNDRIGAN, County Clerk of the County of Stanislaus, hereby certify as follows:

As of the close of the candidate nomination filing period at 5:00 p.m. on August 7, 2009, not more than one person had been nominated for each of the elective offices for said District to be filled at the Consolidated District Election to be held on Tuesday, November 3, 2009, and no petition signed by the voters of said District requesting the election be conducted was presented to this office.

The following person(s) have been nominated:

Two Directors – Eddie Amador Jr., Martin L Avila

Request is hereby made that, pursuant to Section 10515 of the Elections Code, the Board of Supervisors of the County of Stanislaus declare elected said nominees. If no person filed for any office, the supervising authority shall appoint any qualified person to the office who is qualified by the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at the general district election.

I certify under penalty of perjury that the foregoing is true and correct.

Dated this 19<sup>th</sup> day of August 2009.

Sincerely,

LEE LUNDRIGAN  
County Clerk-Recorder & Registrar of Voters

Communication may be made with the district by contacting:

Westport Fire District  
Attn: District Secretary  
5160 South Carpenter Road  
Modesto CA 95351